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**FILED**

November 8, 2007

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	<b>ORDER GRANTING</b>
<b>HENRY MILES SHERMAN, M.D.</b>	:	<b>LIMITED REINSTATEMENT OF</b>
	:	<b>LICENSURE</b>
LICENSED TO PRACTICE MEDICINE	:	
AND SURGERY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was most recently reopened to the New Jersey State Board of Medical Examiners (the "Board") upon receipt of a petition from Henry Miles Sherman, M.D. ("Respondent"), for reinstatement of his license to practice medicine and surgery in the State of New Jersey. By way of background, Respondent's license had been revoked by Board Order effective June 7, 1996. The Board's revocation order was based on Respondent's conviction, by way of guilty plea, to five counts of Federal mail fraud in violation of 18 U.S.C. §1341 and §1342 in United States District Court. The Board found that between

1989 and 1993, Respondent devised and conducted a scheme to defraud insurance companies by billing them for services and equipment that he did not provide, among other acts of misconduct. Respondent's plea transcript included an admission that the fraud to which he pled guilty was valued between \$70,000 to \$120,000. In addition, the record reflects that in violation of the Board's order, Respondent knowingly continued to practice medicine for approximately three to four months after his license was revoked and did not cease violating the Board order until he was apprehended.

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By order filed June 5, 2003, the Board denied a prior petition for reinstatement by Respondent, finding that he had not demonstrated sufficient rehabilitation. The Board's rationale included that: "Respondent's efforts at rehabilitation, though admirable, do not alter the fact that he thwarted the trust vested in him by his medical license to illegally enrich himself."

On September 27, 2006, Respondent again petitioned the Board for reinstatement, in this petition requesting licensure limited to practice without remuneration to Respondent in a clinic providing free medical services. In support of his petition, Respondent submitted an undated letter from Sister Gloria Perez of Eva's Village medical clinic in Paterson. The letter indicates that the clinic's medical director "would be happy to

have [Respondent] come and volunteer some of [his] time for the poor" upon reinstatement of Respondent's medical license and his acquisition of malpractice insurance.

Dr. Sherman appeared before the Preliminary Evaluation Committee on February 28, 2007, accompanied by Anthony LaBue, Esq. Following that appearance, the Board deferred making a determination until such time as Respondent successfully completed an examination and a psychiatric evaluation demonstrating his current fitness and competency to practice medicine. In assessing Respondent's rehabilitation, the Board considered the following documents and testimony:

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--Respondent's sworn testimony before a Board committee indicating that he completed his prison sentence, which was served at Allenwood Prison in Pennsylvania from September 1997 through August 1999.

--Documentation that Respondent paid all of the restitution, penalties, and costs assessed in the federal matter. Copies of checks, receipts, and a Satisfaction of Judgment Order entered on July 15, 1998, indicate that, pursuant to U.S. District Court orders, Respondent paid a special assessment of \$250.00, a fine of \$50,000.00, and restitution in the amount of \$27,302.40.

--Documentation that Respondent has discharged his \$25,000 debt to the Board in assessed costs.

--Evaluation dated May 31, 2000, by Joseph C. D'Oronzio of

the ProBE ethics course indicating that Respondent took and passed the ethics course in May 2000. Mr. D'Oronzio opined of Respondent: "Our overall assessment of Dr. Sherman's capacities for ethical reasoning and insight as demonstrated over the course of the ProBE Program is unconditional."

--Three letters of recommendation from Reverend Mark McCreary, from the years 1999, 2002, and 2006, attesting to Respondent's many years of volunteer service to congregants at the Second Baptist Church in Metuchen.

--Respondent's testimony before a Board committee on February 28, 2007, that he was remorseful for his criminal acts and for not initially heeding the Board's revocation order.

--Psychiatric evaluation dated September 20, 2007 by Thomas Sprague, M.D., in which he states his clinical opinion that Respondent is psychiatrically able to resume practice in internal medicine.

With regard to the question of whether Respondent's medical knowledge and skills are current and up-to-date, after more than ten years out of practice, the Board has considered:

--Documentation confirming that Respondent has kept up to date with the Board's Continuing Medical Education requirements.

--Respondent's fluid and accurate responses to medical questions put to him by fellow physicians when he appeared before a committee of the Board on February 28, 2007.

--Respondent's Official Score Report indicating that on July 23, 2007, Respondent took the Federation of State Medical Boards Special Purpose Examination ("SPEX") and achieved a score of 84, well above the passing score of 75.

The Board having determined for good cause shown that Respondent has demonstrated both that he is sufficiently rehabilitated to be permitted to engage in the practice of medicine without financial incentives or remuneration and that he possesses the fitness, ability and current medical knowledge requisite for general medical practice, but mindful of the ~~significant criminal conviction on which the order of revocation~~ of licensure was based and respondent's violation of that order, and finding that the within Order is therefore adequately protective of the public health, safety, and welfare,

**IT IS ON THIS      1st                      DAY OF NOVEMBER, 2007,**

**ORDERED:**

1. That the license of Henry Miles Sherman, M.D. to practice medicine and surgery in the State of New Jersey shall be reinstated immediately on the following conditions:

(a) Respondent shall practice medicine without remuneration or financial benefit to respondent in any form;

(b) Respondent shall practice medicine only at a clinic providing free medical services;

(c) Respondent may prescribe medications only for the

clinic's patients and only on the New Jersey prescription blanks of the clinic;

(d) Respondent may not apply for any expansion of his practice for a minimum of three years of the "filed" date of this Order, at which time the Board shall determine whether any expansion is warranted;

(e) Any practice beyond the limitations set forth above shall be deemed a violation of this Order, which may result in an automatic suspension of respondent's licensure privileges.

(f) Respondent shall have the right to apply for removal of ~~the automatic suspension on two (2) days notice but, in such~~ event, shall be limited to a showing that information submitted was false.

STATE BOARD OF MEDICAL EXAMINERS

By: Mario A. Criscito, M.D.  
Mario A. Criscito, M.D.  
President